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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,019	02/26/2004	Andrew S. Ayers	71-849-1	3552

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EXAMINER

TYLER, STEPHANIE E

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,019	Applicant(s) AYERS, ANDREW S.	
	Examiner Stephanie E. Tyler	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6,7,9,11,13,14,16,18,20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,6,7,9,11,13,14,16,18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Appendix A</u> . |

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22,2,4,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoegger (5,547,233).

The Hoegger reference discloses a swivel joint (10) having a housing member (20,22) about a longitudinal axis (A), first connector (24), second connector (28) a shaft member (fig.3)¹ and a ball bearing (64).

Regarding claim 2 note in figure 3 wherein the ball bearing means comprises an annular array of ball bearing members (64) disposed around the longitudinal axis (A) of the housing member (20,22).

Regarding claim 4 note in figure 3 wherein the rotary seal members (94,84) interposed between the shaft member (fig.3) and the housing member (20,22) are capable of withstanding elevated temperature levels characteristic of the hot melt adhesive disposed within the swivel joint assembly (10) so as to ensure the sealing of the interface defined between the shaft member and the housing member.

¹ Refer to Appendix A for specified feature(s).

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Regarding claim 6 note in figure 13, that the housing member (20,22), the first connector (24) mounted upon the housing member (20,22), the shaft member (fig.3), and the second connector (28) mounted upon the shaft member (fig.3) are all coaxially aligned with respect to each other along the longitudinal axis (A) of the housing member (20,22).

Regarding claim 7 note in figure 3, that the housing member (20,22), the shaft member (fig.3), and the second connector (28) mounted upon the shaft member (fig.3) are all coaxially aligned with respect to each other along the longitudinal axis (A) of the housing member (23); and the first connector mounted upon the housing member (20,22) is disposed substantially perpendicular to the longitudinal axis (A) of the housing member (20,22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9,11,13,14,16,18,20,21,23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter et al. (5,207,352) in view of Hoegger (5,547,233).

The Porter et al. reference discloses substantially everything regarding the hot melt method of use and the apparatus of dispensing an adhesive.

However the Porter et al. reference lack the structure of the swivel joint.

The Hoegger reference teaches a swivel joint having a housing member (20,22) about a longitudinal axis (A) first connector (28), a shaft member (fig.3), a ball bearing (64) and rotary seals (94,84) for the purpose of providing a conventional swivel joint that is freely rotatable with respect to another component of a connection.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the Porter et al. device with the swivel joint as taught Brazell II in order to have a rotatable connection with the hose members for easy assembling and disassembling of the hot melt adhesive device.

Regarding claim 9 note above combination results in the hot melt adhesive dispensing system having a swivel joint that consists of ball bearing means with an annular array of ball bearing members disposed around the longitudinal axis of the housing member.

Regarding claim 11 note above combination results in the hot melt adhesive dispensing system consisting of a swivel joint with rotary seal members interposed between the shaft member and the housing member for withstanding elevated temperature levels characteristic of the hot melt adhesive disposed within the swivel joint assembly so as to ensure the sealing of the interface defined between the shaft member and the housing member.

Regarding claim 13 note the above combination results in the hot melt adhesive dispensing system consisting of a swivel joint with the housing member, the first connector mounted upon the housing member, the shaft member, and the second

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connector mounted upon the shaft member are all coaxially aligned with respect to each other along said longitudinal axis of the housing member.

Regarding claim 14 note above combination results in the hot melt adhesive dispensing system consisting of a swivel joint with the housing member, the shaft member, and the second connector mounted upon the shaft member are all coaxially aligned with respect to each other along the longitudinal axis of the housing member; and the first connector mounted upon the housing member is disposed substantially perpendicular to the longitudinal axis of the housing member.

*Note that the method claims 16,18,20,21,24 are anticipated by the combination of the Porter et al. and Hoegger references.

5. Applicant's arguments with respect to claims 2, 4, 6, 7, 9, 11, 13, 14, 16,18, 20, 21, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie E. Tyler whose telephone number is 571-272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KEVIN SHAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

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SET

APPENDIX A

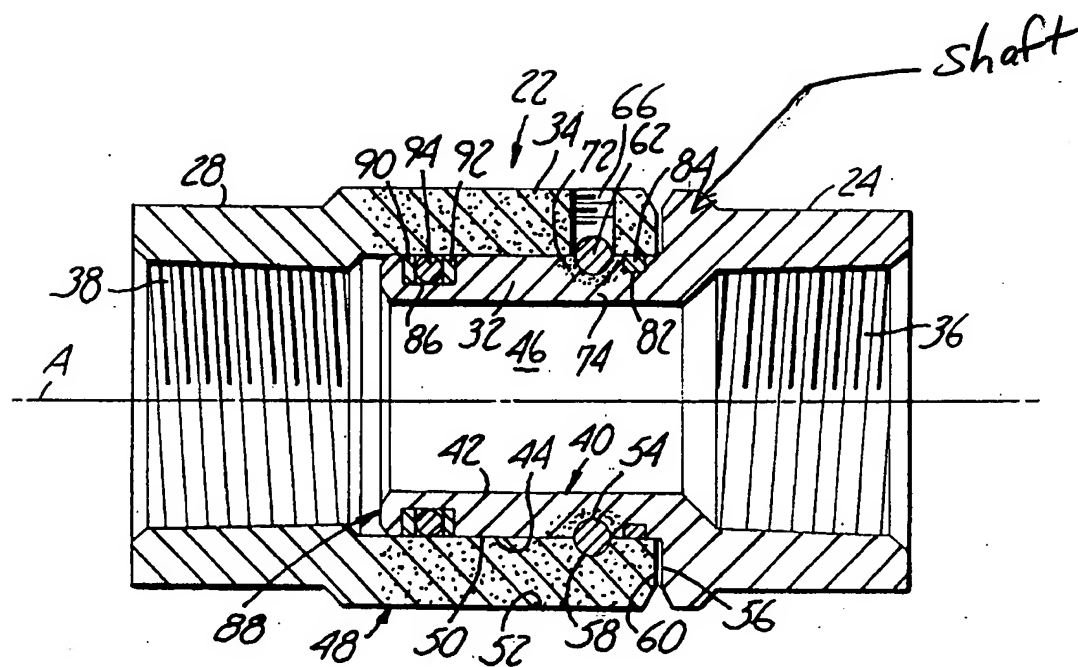


Fig. 3

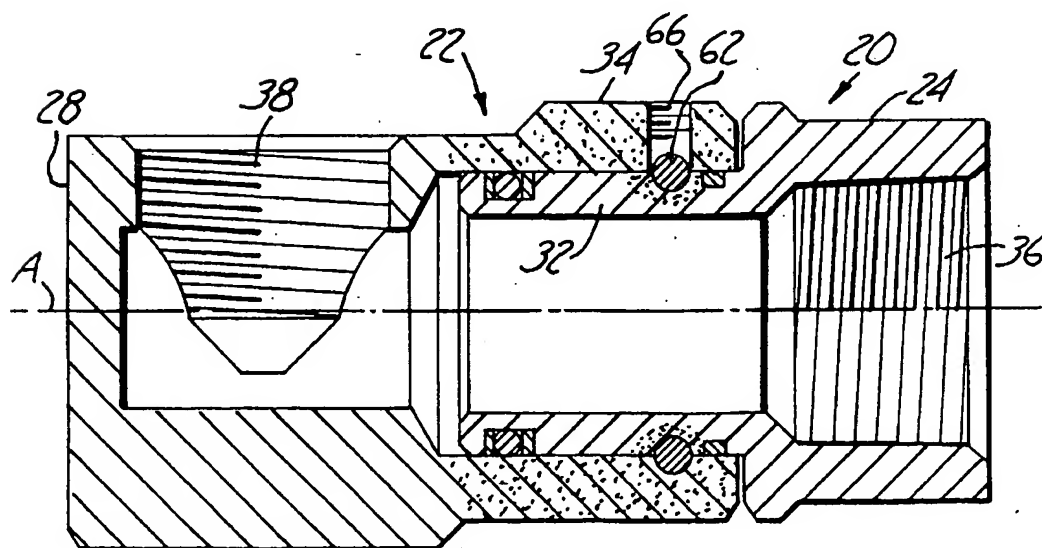


Fig. 4